

S/N 09/533,203  
Fairley et al.

Atty Docket No. KLAC0012  
Page 9

### **REMARKS**

#### **Supplement of Earlier Filed Response**

The Examiner in the present case recently contacted Applicants' attorney to discuss certain terminology used in Claim 1 and claims dependent thereon, and to note certain discrepancies in the prosecution history of language used in claim 1 and claims dependent thereon. Applicants appreciate this action taken by the Examiner and the opportunity to supplement the present Response in accordance with 37 C.F.R. §1.111 and to clarify the record in this case.

#### **Opening Comments**

Claims 1-20 and 22-33 are pending in the current application.<sup>1</sup> The Examiner has allowed claims 12-15, 17-20, 22-26, and 28-33. Applicants have amended claims 1-4, 9, 10, 16, and 27. Reexamination and reconsideration of all of the claims are respectfully requested.

#### **Title**

Applicants have amended the title of the application and submit the title is now acceptable.

#### **§ 112**

The Office Action rejected claims 16 and 27 based on an interpretation of the fly lens array and the pinhole mask. Applicants have amended these claims to correct wording and provide full support for the pinhole mask in accordance with the specification.

Applicants submit that claims 16 and 27 as amended satisfy the written description requirement and that all claims conform to 35 U.S.C. §112.

---

<sup>1</sup> Applicants believe they had previously cancelled claims 34-50 from the application, but the Office Action indicates otherwise. For purposes of clarity, Applicants cancel claims 34-50, without prejudice.

S/N 09/533,203  
Fairley et al.

Atty Docket No. KLAC0012  
Page 10

**§ 102/103**

The Office Action rejected claim 1 based on Lin and separately based on Derndinger pursuant to 35 U.S.C. §102. The Office Action rejected claims 2-10 on these references, either alone or in combination with FIG. 1 of the present application.

Applicants have amended claim 1 to recite a fly lens arrangement, and have altered claims 2-4, 9, and 10 for reasons unrelated to patentability, namely to be in agreement with the terminology of claim 1.

Lin shows a patterned inspection system that produces a patterned specimen wafer image with coherent optical spatial frequency filtering. (Abstract). FIG. 5 shows computer 96, detector 90, an inverse Fourier transform lens 88, and a Fourier transform lens 66. Missing from the Lin patent, such as from FIGs. 5 and 6, is the multiple element fly lens arrangement for receiving light energy. Lin simply does not disclose or discuss such a multiple element fly lens arrangement.

Derndinger shows a confocal microscope design with a light stop array 4 positioned in the focal plane of the microscope. (Abstract and FIGs. 1a, 1b, and 1c). Again, no multiple element fly lens arrangement is presented, and no fly lens is disclosed or shown as best as can be understood from the Derndinger patent, which is in German. Like Lin, Dendinger simply does not discuss nor disclose a multiple fly lens arrangement as recited in claim 1.

Claim 1 is therefore not anticipated by either Lin or Derndinger.

Claims 2-10 depend from Claim 1, and are allowable as depending from an allowable base claim.

Applicants therefore submit that all claims satisfy 35 U.S.C. §§ 102 and 103 and that claims 1-20 and 22-34 are allowable over the references of record.

S/N 09/533,203  
Fairley et al.

Atty Docket No. KLAC0012  
Page 11

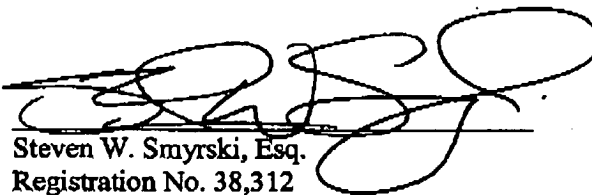
**CONCLUSION**

In view of the foregoing, it is respectfully submitted that all claims of the present application are in condition for allowance. Reexamination and reconsideration of all of the claims, as amended, are respectfully requested and allowance of all the claims at an early date is solicited.

Should it be determined for any reason an insufficient fee has been paid, please charge any insufficiency to ensure consideration and allowance of this application to Deposit Account 502026.

Respectfully submitted,

Date: October 27, 2004

  
Steven W. Smyrski, Esq.  
Registration No. 38,312

SMYRSKI & LIVESAY, LLP  
3310 Airport Avenue, SW  
Santa Monica, California 90405-6118  
Phone: 310.397.9118  
Fax: 310.397.9158